

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5858 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?
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PUSHPABEN G PATEL

Versus

SECRETARY

Appearance:

None present for Petitioner
MRS SIDDHI TALATI for Respondent No. 1, 4

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 17/10/97

ORAL JUDGMENT

#. The matter was called out for hearing in the first round, then in the second round and lastly in the third round, but none put appearance on behalf of the petitioner.

#. The learned counsel for respondents states that interim relief has not been granted in this case by this Court in favour of petitioner and still she has not

joined at the place where she has been posted. She is absenting herself from duties for a considerable long period.

#. The petitioner is an employee of the Government and she may have some grievance regarding her transfer or posting or some other service matter, but in case this Court has not protected her by grant of interim relief, she has to carry out all orders of transfer and posting. That precisely has not been done by her. The petitioner being a Government servant cannot take the things for granted and she cannot be allowed to act as an indisciplined Government servant. I do not find any justification in the case of petitioner to remain away from duty for all these years. This conduct of petitioner itself is sufficient to decline to hear this petition on merits. The equitable jurisdiction under Article 226 of the Constitution can only be exercised in favour of those Government servants who are disciplined and carry out all orders of their superior officers and not in favour of those persons who exhibit clear insubordination to the extent of even not joining the place where they have been posted.

#. In the result, this Special Civil Application fails and the same is dismissed. Rule discharged. No order as to costs.

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(sunil)